

E-Filed 9/13/12

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

GEORGE MOTA VENTURA,

No. C 10-0762 RS (PR)

Petitioner,

ORDER REOPENING ACTION;

v.

**ORDER DIRECTING PETITIONER
TO FILE A PETITION WITHIN 30
DAYS**

JAMES A. YATES, Warden,

Respondent.

This is a federal habeas corpus action. The action was dismissed in 2010 for failure to prosecute, and judgment was entered in favor of respondent. Petitioner has filed a motion for relief from the judgment (Docket No. 12), which the Court construes as a motion to reopen. So construed, the motion is GRANTED and the action is hereby REOPENED. The Clerk is directed to reopen the action. The judgment (Docket No. 8) and the order of dismissal (Docket No. 7) are hereby VACATED.

Petitioner must file a petition within 30 days from the date of this order. Failure to file a petition by such time will result in the dismissal of the action with prejudice for failure to prosecute under Federal Rule of Civil Procedure 41(b). The Clerk shall terminate Docket No. 12.

IT IS SO ORDERED.

DATED: September 12, 2012


RICHARD SEEBORG
United States District Judge

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ORDER OF DISMISSAL